

LEGISLATIVE COUNSEL
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Union Calendar No. 110

97TH CONGRESS
1ST SESSION

H. R. 3518

[Report No. 97-102, Parts I and II]

To authorize appropriations for fiscal years 1982 and 1983 for the Department of State, the International Communication Agency, and the Board for International Broadcasting, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

May 12, 1981

Mr. FASCELL (for himself, Mr. BINGHAM, Mr. YATRON, Mr. BONKER, Mr. SOLARZ, Mr. MICA, Mr. WOLPE, Mr. BARNES, Mr. BROOMFIELD, Mr. DERWINSKI, Mr. PRITCHARD, and Mr. LEACH of Iowa) introduced the following bill; which was referred to the Committee on Foreign Affairs

MAY 19, 1981

Reported and referred to the Committee on the District of Columbia for a period ending not later than June 9, 1981, for consideration of such provisions of the bill as fall within that committee's jurisdiction under clause 1(f), rule X

JUNE 9, 1981

Referral to the Committee on the District of Columbia extended for an additional period ending not later than June 12, 1981

JUNE 12, 1981

Referral to the Committee on the District of Columbia extended for an additional period ending not later than June 19, 1981

JUNE 19, 1981

Additional sponsors: Mr. IRELAND and Mr. ROSENTHAL

JUNE 19, 1981

Reported from the Committee on the District of Columbia with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in italic]

A BILL

To authorize appropriations for fiscal years 1982 and 1983 for the Department of State, the International Communication Agency, and the Board for International Broadcasting, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 TITLE I—DEPARTMENT OF STATE

4 SHORT TITLE

5 SEC. 101. This title may be cited as the "Department of
6 State Authorization Act, Fiscal Years 1982 and 1983".

7 AUTHORIZATIONS OF APPROPRIATIONS

8 SEC. 102. There are authorized to be appropriated for
9 the Department of State to carry out the authorities, func-
10 tions, duties, and responsibilities in the conduct of the foreign
11 affairs of the United States and other purposes authorized by
12 law, the following amounts:

13 (1) For "Administration of Foreign Affairs",
14 \$1,318,754,000 for the fiscal year 1982 and
15 \$1,744,391,000 for the fiscal year 1983.

16 (2) For "International Organizations and Confer-
17 ences", \$563,806,000 for the fiscal year 1982 and
18 \$554,436,000 for the fiscal year 1983.

1 (3) For "International Commissions",
2 \$22,508,000 for the fiscal year 1982 and \$24,759,000
3 for the fiscal year 1983.

4 (4) For "Migration and Refugee Assistance",
5 \$553,100,000 for the fiscal year 1982 and
6 \$555,600,000 for the fiscal year 1983.

7 PALESTINIAN RIGHTS UNITS

8 SEC. 103. Funds appropriated under paragraph (2) of
9 section 102 of this Act may not be used for payment by the
10 United States, as its contribution toward the assessed budget
11 of the United Nations for any year, of any amount which
12 would cause the total amount paid by the United States as its
13 assessed contribution for that year to exceed the amount as-
14 sessed as the United States contribution for that year less—

15 (1) 25 per centum of the amount budgeted for that
16 year for the Committee on the Exercise of the Inalien-
17 able Rights of the Palestinian People (or any similar
18 successor entity), and

19 (2) 25 per centum of the amount budgeted for that
20 year for the Special Unit on Palestinian Rights (or any
21 similar successor entity).

22 EX GRATIA PAYMENT

23 SEC. 104. Of the amount appropriated for the fiscal year
24 1982 under paragraph (1) of section 102 of this Act, \$81,000
25 shall be available for payment ex gratia to the Government of

1 Yugoslavia as an expression of concern by the United States
2 Government for the injuries sustained by a Yugoslav national
3 as a result of an attack on him in New York City.

4 ASSISTANCE FOR REFUGEES SETTLING IN ISRAEL

5 SEC. 105. Of the amounts authorized to be appropriated
6 by paragraph (4) of section 102 of this Act, \$12,500,000 for
7 the fiscal year 1982 and \$15,000,000 for the fiscal year
8 1983 shall be available only for assistance for the resettlement
9 in Israel of refugees from the Union of Soviet Socialist
10 Republics and from Communist countries in Eastern Europe.

11 BILATERAL SCIENCE AND TECHNOLOGY AGREEMENTS

12 SEC. 106. In addition to the amounts authorized to be
13 appropriated by section 102 of this Act, there are authorized
14 to be appropriated to the Secretary of State \$3,700,000 for
15 the fiscal year 1982 and \$3,700,000 for the fiscal year 1983
16 for payment of the United States share of expenses of the
17 science and technology agreements between the United
18 States and Yugoslavia and between the United States and
19 Poland.

20 CURRENCY FLUCTUATIONS

21 SEC. 107. (a) Section 24(b) of the State Department
22 Basic Authorities Act of 1956 (22 U.S.C. 2696(b)), is amended
23 ed to read as follows:

24 "(b)(1) In order to maintain the levels of program activity
25 ty provided for each fiscal year by the annual authorizing

1 legislation for the Department of State, there are authorized
2 to be appropriated for the Department such sums as may be
3 necessary to offset adverse fluctuations in foreign currency
4 exchange rates, or overseas wage and price changes, which
5 occur after November 30 of the calendar year preceding the
6 enactment of the authorizing legislation for such fiscal year.

7 “(2) In order to eliminate substantial gains to the ap-
8 proved levels of overseas operations, the Secretary of State
9 may transfer to the appropriation account established under
10 paragraph (1) of this subsection such amounts in other appro-
11 priation accounts under the heading ‘Administration of For-
12 eign Affairs’ as the Secretary determines are excessive to the
13 needs of the approved level of operations because of fluctu-
14 ations in foreign currency exchange rates or changes in over-
15 seas wages and prices.

16 “(3) Funds transferred from the appropriation account
17 established under paragraph (1) shall be merged with and be
18 available for the same purpose, and for the same time period,
19 as the appropriation account to which transferred; and funds
20 transferred to the appropriation account established under
21 paragraph (1) shall be merged with and available for the pur-
22 poses of that appropriation account until expended. Any re-
23 striction contained in an appropriation Act or other provision
24 of law limiting the amounts available for the Department of
25 State that may be obligated or expended shall be deemed to

1 be adjusted to the extent necessary to offset the net effect of
2 fluctuations in foreign currency exchange rates or overseas
3 wage and price changes in order to maintain approved
4 levels.”.

5 (b) Section 704(c) of the United States Information and
6 Educational Exchange Act of 1948 (22 U.S.C. 1477b(c)) is
7 amended by striking out “preceding” and inserting in lieu
8 thereof “calendar year preceding the enactment of the
9 authorizing legislation for such”.

10 (c) Section 8(a)(2) of the Board for International Broad-
11 casting Act of 1973 (22 U.S.C. 2287(a)(2)) is amended by
12 striking out “preceding” in the first sentence and inserting in
13 lieu thereof “calendar year preceding the enactment of the
14 amendments to paragraph (1) which provide the authoriza-
15 tion for such”.

16 (d) The amendments made by this section shall take
17 effect on October 1, 1981.

18 PASSPORT FEES AND PERIOD OF VALIDITY

19 SEC. 108. (a) The first sentence of section 1 under the
20 heading “FEES FOR PASSPORTS AND VISÉS” of the Act of
21 June 4, 1920 (22 U.S.C. 214), is amended to read as follows:
22 “There shall be collected and paid into the Treasury of the
23 United States a fee, prescribed by the Secretary of State by
24 regulation, for each passport issued and a fee, prescribed by

1 the Secretary of State by regulation, for executing each ap-
2 plication for a passport.”.

3 (b)(1) Section 2 of the Act entitled “An Act to regulate
4 the issue and validity of passports, and for other purposes”,
5 approved July 3, 1926 (22 U.S.C. 217a), is amended to read
6 as follows:

7 “SEC. 2. A passport shall be valid for a period of ten
8 years from the date of issue, except that the Secretary of
9 State may limit the validity of a passport to a period of less
10 than ten years in an individual case or on a general basis
11 pursuant to regulation.”.

12 (2) The amendment made by this subsection applies
13 with respect to passports issued after the date of enactment
14 of this Act.

15 DOCUMENTATION OF CITIZENSHIP

16 SEC. 109. The State Department Basic Authorities Act
17 of 1956 is amended by inserting the following new section 33
18 immediately after section 32 and by redesignating existing
19 section 33 as section 34:

20 “SEC. 33. The following documents shall have the same
21 force and effect as proof of United States citizenship as certifi-
22 cates of naturalization or of citizenship issued by the Attor-
23 ney General or by a court having naturalization jurisdiction:

24 “(1) A passport, during its period of validity (if
25 such period is the maximum period authorized by law),

1 issued by the Secretary of State to a citizen of the
2 United States.

3 “(2) The report, designated as a ‘Report of Birth
4 Abroad of a Citizen of the United States’, issued by a
5 consular officer to document a citizen born abroad.”.

6 PAN AMERICAN INSTITUTE OF GEOGRAPHY AND HISTORY
7 SEC. 110. Paragraph (1) of the first section of the joint
8 resolution entitled “Joint resolution to provide for member-
9 ship of the United States in the Pan American Institute of
10 Geography and History; and to authorize the President to
11 extend an invitation for the next general assembly of the in-
12 stitute to meet in the United States in 1935, and to provide
13 an appropriation for expenses thereof”, approved August 2,
14 1935 (22 U.S.C. 273), is amended by striking out “, not to
15 exceed \$200,000 annually,”.

16 INTERNATIONAL INSTITUTE FOR THE UNIFICATION OF
17 PRIVATE LAW AND THE HAGUE CONFERENCE ON PRI-
18 VATE INTERNATIONAL LAW

19 SEC. 111. Section 2 of the joint resolution entitled
20 “Joint resolution to provide for participation by the Govern-
21 ment of the United States in the Hague Conference on Pri-
22 vate International Law and the International (Rome) Insti-
23 tute for the Unification of Private Law, and authorizing ap-
24 propriations therefor”, approved December 30, 1963 (22

1 U.S.C. 269g-1), is amended by striking out “, except that”
2 and all that follows through “that year”.

3 PAN AMERICAN RAILWAY CONGRESS

4 SEC. 112. Section 2(a) of the joint resolution entitled
5 “Joint resolution providing for participation by the Govern-
6 ment of the United States in the Pan American Railway
7 Congress, and authorizing an appropriation therefor”, ap-
8 proved June 28, 1948 (22 U.S.C. 280k), is amended by
9 striking out “Not more than \$15,000 annually” and inserting
10 in lieu thereof “Such sums as may be necessary”.

11 UNITED STATES REPRESENTATIVE TO INTERNATIONAL

12 ORGANIZATIONS IN VIENNA

13 SEC. 113. Section 2 of the United Nations Participation
14 Act of 1945 (22 U.S.C. 287) is amended by adding at the
15 end thereof the following new subsection:

16 “(h) The President, by and with the advice and consent
17 of the Senate, shall appoint a representative of the United
18 States to the Vienna office of the United Nations with appro-
19 priate rank and status, who shall serve at the pleasure of the
20 President and subject to the direction of the Secretary of
21 State. Such individual shall, at the direction of the Secretary
22 of State, represent the United States at the Vienna office of
23 the United Nations and perform such other functions there in
24 connection with the participation of the United States in in-

1 ternational organizations as the Secretary of State from time
2 to time may direct.”.

3 LIVING QUARTERS FOR THE STAFF OF THE UNITED
4 STATES REPRESENTATIVE TO THE UNITED NATIONS

5 SEC. 114. Section 8 of the United Nations Participation
6 Act of 1945 (22 U.S.C. 287e) is amended—

7 (1) by striking out “representative of the United
8 States to the United Nations referred to in paragraph
9 (a) of section 2 hereof” and inserting in lieu thereof
10 “representatives provided for in section 2 of this Act
11 and of their appropriate staffs”; and

12 (2) by adding at the end thereof the following:
13 “Any payments made by United States Government
14 personnel for occupancy by them of living quarters
15 leased or rented under this section shall be credited to
16 the appropriation, fund, or account utilized by the Sec-
17 retary of State for such lease or rental or to the appro-
18 priation, fund, or account currently available for such
19 purpose.”.

20 AMENDMENTS CORRECTING PRINTING ERRORS

21 SEC. 115. The Foreign Service Act of 1980 is
22 amended—

23 (1) in section 704(b)(2) (22 U.S.C. 4024(b)(2)) by
24 striking out “411” and inserting in lieu thereof “412”;
25 and

1 (2) in section 814(a)(3) (22 U.S.C. 4054(a)(3)) by
2 striking out "on" the second place it appears in the
3 first sentence and inserting in lieu thereof "or".

4 PRIVATE SECTOR REPRESENTATIVES ON UNITED STATES
5 DELEGATIONS TO INTERNATIONAL TELECOMMUNICA-
6 TIONS MEETINGS AND CONFERENCES

7 SEC. 116. (a) Sections 203, 205, 207, and 208 of title
8 18, United States Code, shall not apply to a private sector
9 representative on the United States delegation to an interna-
10 tional telecommunications meeting or conference who is spe-
11 cifically designated to speak on behalf of or otherwise repre-
12 sent the interests of the United States at such meeting or
13 conference with respect to a particular matter, if the Secre-
14 tary of State (or his designee) certifies that no Government
15 employee on the delegation is as well qualified to represent
16 United States interests with respect to such matter and that
17 such designation serves the national interest. All such repre-
18 sentatives shall have on file with the Department of State the
19 financial disclosure report required for special Government
20 employees.

21 (b) As used in this section, the term "international tele-
22 communications meeting or conference" means the confer-
23 ences of the International Telecommunications Union, meet-
24 ings of its International Consultative Committees for Radio
25 and for Telephone and Telegraph, and such other interna-

1 tional telecommunications meetings or conferences as the
2 Secretary of State may designate.

3 PROCUREMENT CONTRACTS

4 SEC. 117. The State Department Basic Authorities Act
5 of 1956 is amended by inserting the following new section
6 immediately after section 13:

7 “SEC. 14. (a) Any contract for the procurement of prop-
8 erty or services, or both, for the Department of State or the
9 Foreign Service which is funded on the basis of annual ap-
10 propriations may nevertheless be made for periods not in
11 excess of five years when—

12 “(1) appropriations are available and adequate for
13 payment for the first fiscal year and for all potential
14 cancellation costs; and

15 “(2) the Secretary of State determines that—

16 “(A) the need of the Government for the
17 property or service being acquired over the period
18 of the contract is reasonably firm and continuing;

19 “(B) such a contract will serve the best in-
20 terests of the United States by encouraging effec-
21 tive competition or promoting economies in per-
22 formance and operation; and

23 “(C) such a method of contracting will not
24 inhibit small business participation.

1 “(b) In the event that funds are not made available for
2 the continuation of such a contract into a subsequent fiscal
3 year, the contract shall be cancelled and any cancellation
4 costs incurred shall be paid from appropriations originally
5 available for the performance of the contract, appropriations
6 currently available for the acquisition of similar property or
7 services and not otherwise obligated, or appropriations made
8 for such cancellation payments.”.

9 COMPENSATION FOR DISABILITY OR DEATH

10 SEC. 118. The State Department Basic Authorities Act
11 of 1956 is amended by inserting the following new section
12 immediately after section 15:

13 “SEC. 16. The first section of the Act of August 16,
14 1941 (42 U.S.C. 1651; commonly known as the Defense
15 Base Act) shall not apply with respect to such contracts as
16 the Secretary of State may determine which are contracts
17 with persons employed to perform work for the Department
18 of State or the Foreign Service on an intermittent basis for
19 not more than 90 days in a calendar year.”.

20 REGULATION OF FOREIGN MISSIONS

21 SEC. 119. (a) The State Department Basic Authorities
22 Act of 1956 is amended by striking out “That the Secretary”
23 in the first section and inserting in lieu thereof the following:

24 “TITLE I—BASIC AUTHORITIES GENERALLY

25 “SECTION 1. The Secretary”.

1 (b) That Act is further amended by adding at the end
2 thereof the following:

3 "TITLE II—AUTHORITIES RELATING TO THE
4 REGULATION OF FOREIGN MISSIONS

5 "DECLARATION OF FINDINGS AND POLICY

6 "SEC. 201. (a) The Congress finds that the operation in
7 the United States of foreign missions and public international
8 organizations and the official missions to such organizations,
9 including the permissible scope of their activities ~~and the lo-~~
10 ~~cation and size of their facilities~~, is a proper subject for the
11 exercise of Federal jurisdiction.

12 "(b) The Congress declares that it is the policy of the
13 United States to support the secure and efficient operation of
14 United States missions abroad, to facilitate the secure and
15 efficient operation in the United States of foreign missions
16 and public international organizations and the official mis-
17 sions to such organizations, and to assist in obtaining appro-
18 priate benefits, privileges, and immunities for those missions
19 and organizations and to require their observance of corre-
20 sponding obligations in accordance with international law.

21 "(c) The assistance to be provided to a foreign mission
22 in the United States shall be determined after due considera-
23 tion of the benefits, privileges, and immunities provided to
24 missions of the United States in the country or territory rep-
25 resented by that foreign mission.

1 "DEFINITIONS

2 "SEC. 202. (a) For purposes of this title—

3 "(1) 'benefit' (with respect to a foreign mission)
4 means any acquisition, or authorization for an acqui-
5 sition, in the United States by or for a foreign mission,
6 including the acquisition of—

7 "(A) real property by purchase, lease, ex-
8 change, construction, or otherwise,

9 "(B) public services, including services relat-
10 ing to customs, importation, and utilities, and the
11 processing of applications or requests relating to
12 public services,

13 "(C) supplies, maintenance, and transporta-
14 tion,

15 "(D) locally engaged staff on a temporary or
16 regular basis,

17 "(E) travel and related services, and

18 "(F) protective services,

19 and includes such other benefits as the Secretary may
20 designate;

21 "(2) 'chancery' means the principal offices of a
22 foreign mission used for diplomatic or related purposes,
23 and annexes to such offices (including ancillary offices
24 and support facilities), and includes the site and any
25 building on such site which is used for such purposes;

1 “(3) ‘Director’ means the Director of the Office of
2 Foreign Missions established pursuant to section
3 203(a);

4 “(4) ‘foreign mission’ means any official mission to
5 the United States involving diplomatic, consular, or
6 other governmental activities of—

7 “(A) a foreign government, or

8 “(B) an organization (other than an interna-
9 tional organization, as defined in ~~section 209(b)~~
10 *section 208(b)* of this title) representing a terri-
11 tory or political entity which has been granted
12 diplomatic or other official privileges and immuni-
13 ties under the laws of the United States,

14 including any real property of such a mission and in-
15 cluding the personnel of such a mission;

16 “(5) ‘real property’ includes any right, title, or in-
17 terest in or to, or the beneficial use of, any real prop-
18 erty in the United States, including any office or other
19 building;

20 “(6) ‘Secretary’ means the Secretary of State;

21 “(7) ‘sending State’ means the foreign govern-
22 ment, territory, or political entity represented by a for-
23 eign mission; and

24 “(8) ‘United States’ means, when used in a geo-
25 graphic sense, the several States, the District of Co-

1 lumbia, the Commonwealth of Puerto Rico, and the
2 territories and possessions of the United States.

3 “(b) Determinations with respect to the meaning and
4 applicability of the terms used in subsection (a) shall be com-
5 mitted to the discretion of the Secretary.

6 “OFFICE OF FOREIGN MISSIONS

7 “SEC. 203. (a) The Secretary shall establish an Office of
8 Foreign Missions as an independent office within the Depart-
9 ment of State. The Office shall be headed by a Director,
10 appointed by the Secretary, who shall perform his or her
11 functions under the supervision and direction of the Secre-
12 tary. The Secretary may delegate this authority for supervi-
13 sion and direction of the Director only to the Deputy Secre-
14 tary of State or an Under Secretary of State.

15 “(b) The Secretary may authorize the Director to—

16 “(1) assist agencies of Federal, State, and municipi-
17 pal government with regard to ascertaining and ac-
18 cording benefits, privileges, and immunities to which a
19 foreign mission may be entitled;

20 “(2) provide or assist in the provision of benefits
21 for or on behalf of a foreign mission in accordance with
22 section 204; and

23 “(3) perform such other functions as the Secretary
24 may determine necessary in furtherance of the policy of
25 this title.

1 "PROVISION OF BENEFITS

2 "SEC. 204. (a) Upon the request of a foreign mission,
3 benefits may be provided to or for that foreign mission by or
4 through the Director on such terms and conditions as the
5 Secretary may approve.

6 "(b) If the Secretary determines that such action is rea-
7 sonably necessary on the basis of reciprocity or otherwise—

8 "(1) to facilitate relations between the United
9 States and a sending State,

10 "(2) to protect the interests of the United States,

11 "(3) to adjust for costs and procedures of obtain-
12 ing benefits for missions of the United States abroad,
13 or

14 "(4) to assist in resolving a dispute affecting
15 United States interests and involving a foreign mission
16 or sending State,

17 then the Secretary may require a foreign mission (A) to
18 obtain benefits from or through the Director on such terms
19 and conditions as the Secretary may approve, or (B) to
20 comply with such terms and conditions as the Secretary may
21 determine as a condition to the execution or performance in
22 the United States of any contract or other agreement; the
23 acquisition, retention, or use of any real property; or the ap-
24 plication for or acceptance of any benefit (including any bene-
25 fit from or authorized by any Federal, State, or municipal

1 governmental authority, or any entity providing public
2 services).

3 “(c) Terms and conditions established by the Secretary
4 under this section may include—

5 “(1) a requirement to pay to the Director a sur-
6 charge or fee, and

7 “(2) a waiver by a foreign mission (or any as-
8 signee of or person deriving rights from a foreign mis-
9 sion) of any recourse against any governmental author-
10 ity, any entity providing public services, any employee
11 or agent of such an authority or entity, or any other
12 person, in connection with any action determined by
13 the Secretary to be undertaken in furtherance of this
14 title.

15 “(d) For purposes of effectuating a waiver of recourse
16 which is required under this section, the Secretary may des-
17 ignate the Director or any other officer of the Department of
18 State as the agent of a foreign mission (or of any assignee of
19 or person deriving rights from a foreign mission). Any such
20 waiver by an officer so designated shall for all purposes (in-
21 cluding any court or administrative proceeding) be deemed to
22 be a waiver by the foreign mission (or the assignee of or
23 other person deriving rights from a foreign mission).

1 “PROPERTY OF FOREIGN MISSIONS

2 “SEC. 205. (a)(1) The Secretary may require any for-
3 eign mission to notify the Director prior to any proposed ac-
4 quisition, or any proposed sale or other disposition, of any
5 real property by or on behalf of such mission. If such a notifi-
6 cation is required, the foreign mission (or other party acting
7 on behalf of the foreign mission) may initiate or execute any
8 contract, proceeding, application, or other action required for
9 the proposed action—

10 “(A) only after the expiration of the sixty-day
11 period beginning on the date of such notification (or
12 after the expiration of such shorter period as the Sec-
13 retary may specify in a given case); and

14 “(B) only if the mission is not notified by the Sec-
15 retary within that period that the proposal has been
16 disapproved; however, the Secretary may include in
17 such a notification such terms and conditions as the
18 Secretary may determine appropriate in order to
19 remove the disapproval.

20 “(2) For purposes of this section, ‘acquisition’ includes
21 any acquisition or alteration of, or addition to, any real prop-
22 erty or any change in the purpose for which real property is
23 used by foreign mission.

1 “(b) The Secretary may require any foreign mission to
2 divest itself of, or forego the use of, any real property deter-
3 mined by the Secretary—

4 “(1) not to have been acquired in accordance with
5 this section; or

6 “(2) to exceed limitations placed on real property
7 available to a United States mission in the sending
8 State.

9 “(c) If a foreign mission has ceased conducting diplo-
10 matic, consular, and other governmental activities in the
11 United States and there is not a protecting power or other
12 agent designated by the sending State and approved by the
13 Secretary which is responsible for the property of that foreign
14 mission, the Secretary—

15 “(1) until the designation of a protecting power or
16 other agent approved by the Secretary, may protect
17 and preserve any property of that foreign mission; and

18 “(2) may authorize the Director to dispose of such
19 property at such time as the Secretary may determine
20 after the expiration of the one-year period beginning on
21 the date that the foreign mission ceased those activi-
22 ties, and may remit to the sending State the net pro-
23 ceeds from such disposition.

1 "LOCATION OF FOREIGN MISSIONS

2 "SEC. 206. (a) In order to ensure the fulfillment of the
3 international obligations of the United States and fulfillment
4 of the policy of this title, and to ensure the orderly develop-
5 ment of the national capital, the location, height, bulk,
6 number of stories, and size of any building or other real prop-
7 erty of a foreign mission in the District of Columbia, and the
8 provision for open space in and around any such building or
9 other property, shall be subject to approval by the National
10 Capital Planning Commission (hereafter in this section re-
11 ferred to as the 'Commission'). This subsection does not
12 apply with respect to a building or other real property of a
13 foreign mission if the Commission determines that the prop-
14 erty will only be used by a party other than a foreign mission
15 and will only be used for activities that do not involve the
16 diplomatic, consular, or other governmental activities of a
17 foreign mission.

18 "(b) Any determination by the Commission pursuant to
19 subsection (a) of this section which involves approval of the
20 location of or a use of real property for a chancery, or in-
21 volves approval of site and building plans for a chancery,
22 shall be considered rulemaking under section 552 of title 5,
23 United States Code, and shall be based solely on the follow-
24 ing criteria:

25 "(1) the Federal interest;

1 “(2) the chancery is in an area (A) of predomi-
2 nantly office use, (B) of mixed use, including residen-
3 tial, commercial, office, or institutional use, (C) of
4 medium or high density residential use, or (D) in rea-
5 sonable proximity to streets on which existing chancery-
6 ies are concentrated;

7 “(3) historic preservation (as determined in ac-
8 cordance with regulations issued by the Commission in
9 carrying out this section);

10 “(4) the extent to which the area will be served
11 by public transit to reduce parking requirements;

12 “(5) the extent to which the area will have ade-
13 quate public facilities, utilities, and services, including
14 streets, street lighting, water, sewer, electricity, tele-
15 phone, and refuse collection;

16 “(6) the area is capable of being adequately pro-
17 tected, as determined by a Federal agency authorized
18 to perform protective services; and

19 “(7) the municipal interest.

20 Any other determination by the Commission with respect to
21 real property of a foreign mission pursuant to subsection (a)
22 of this section shall be based solely on the criteria specified in
23 paragraphs (1), (3), (6), and (7), and such other criteria as the
24 Commission may by regulation establish.

1 “(c) In any proceeding with respect to real property of a
2 foreign mission pursuant to subsection (a) of this section—

3 “(1) a determination by the Secretary as to the
4 Federal interest shall be given substantial weight; and

5 “(2) a determination by the Mayor of the District
6 of Columbia as to the municipal interest shall be given
7 substantial weight.

8 “(d) In any proceeding with respect to real property of a
9 foreign mission pursuant to subsection (a) of this section, the
10 final determination with respect to approval of a location or
11 use or approval of site and building plans shall be made not
12 later than five months after the date of filing an application
13 for such approval.

14 “PREEMPTION

15 “~~SEC. 207.~~ *SEC. 206.* Notwithstanding any other pro-
16 vision of law, no act of any Federal agency or of any State or
17 municipal governmental authority shall be effective to confer
18 or deny any benefits with respect to any foreign mission con-
19 trary to this title.

20 “GENERAL PROVISIONS

21 “~~SEC. 208.~~ *SEC. 207.* (a) The Secretary may issue such
22 regulations as the Secretary may determine necessary to
23 carry out the policy of this title.

24 “(b) Compliance with any regulation, instruction, or di-
25 rection issued by the Secretary under this title shall to the

1 extent thereof be a full acquittance and discharge for all pur-
2 poses of the obligation of the person making the same. No
3 person shall be held liable in any court or administrative pro-
4 ceeding for or with respect to anything done or omitted in
5 good faith in connection with the administration of, or pursu-
6 ant to and in reliance on, this title, or any regulation, instruc-
7 tion, or direction issued by the Secretary under this title.

8 “(c) For purposes of administering this title, the Secre-
9 tary may—

10 “(1) accept details and assignments of employees
11 of Federal agencies to the Office of Foreign Missions
12 on a reimbursable or nonreimbursable basis (with any
13 such reimbursements to be credited to the appropri-
14 ations made available for the salaries and expenses of
15 officers and employees of the employing agency); and

16 “(2) obtain without regard to the provisions of
17 law governing appointments in the competitive service,
18 by appointment or contract (subject to availability of
19 funds), the services of individuals to provide technical
20 and professional services which are not otherwise
21 available and which are required to carry out the func-
22 tions of the Director.

23 “(d) Contracts and subcontracts for supplies or services
24 (except for personal services), made by or on behalf of the
25 Director, shall be made after advertising, in such manner and

1 at such times as the Secretary shall determine to be adequate
2 to ensure notice and opportunity for competition, except that
3 advertisement shall not be required when (1) the Secretary
4 determines that it is impracticable or will not permit timely
5 performance to obtain bids by advertising, or (2) the aggregate
6 amount involved in a purchase of supplies or procurement
7 of services does not exceed \$10,000. Such contracts
8 and subcontracts may be entered into without regard to laws
9 and regulations otherwise applicable to solicitation, negotiation,
10 administration, and performance of government contracts. In
11 awarding contracts, the Secretary may consider
12 such factors as relative quality and availability of supplies or
13 services and the comparability of the supplies or services
14 with implementation of this title.

15 “(e) The head of any Federal agency may, for purposes
16 of this title—

17 “(1) transfer or loan any property to, and perform
18 administrative and technical support functions and
19 services for the operations of, the Office of Foreign
20 Missions (with reimbursements to agencies under this
21 paragraph to be credited to the current applicable appropriation
22 of the agency concerned); and

23 “(2) acquire and accept services from the Office of
24 Foreign Missions, including (whenever the Secretary
25 determines it to be in furtherance of the purposes of

1 this title) acquisitions without regard to laws normally
2 applicable to the acquisition of services by such
3 agency.

4 “(f) Assets of or under the control of the Office of For-
5 eign Missions, wherever situated, which are used by or held
6 for the use of a foreign mission shall not be subject to attach-
7 ment, execution, injunction, or similar process, whether inter-
8 mediate or final.

9 “(g) Except as otherwise provided, any determination
10 required under this title shall be committed to the discretion
11 of the Secretary. ~~Except as provided in the first sentence of~~
12 ~~section 206(b), actions~~ *Actions* taken under the authority of
13 this title shall not be considered rulemaking within the mean-
14 ing of section 553 of title 5, United States Code.

15 “(h)(1) In order to implement this title, the Secretary
16 may transfer such amounts available to the Department of
17 State as may be necessary to the working capital fund estab-
18 lished by section 13 of this Act.

19 “(2) Notwithstanding any other provision of law, all
20 revenues, including proceeds from gifts and donations, re-
21 ceived by the Director or the Secretary in carrying out this
22 title may be credited to the working capital fund established
23 by section 13 of this Act and shall be available for purposes
24 of this title in accordance with that section.

1 "APPLICATION TO PUBLIC INTERNATIONAL ORGANIZA-
2 TIONS AND OFFICIAL MISSIONS TO SUCH ORGANIZA-
3 TIONS

4 "~~SEC. 209. (a) The Secretary may make section 206, or~~
5 ~~any other~~ "*SEC. 208. (a) the Secretary may make any pro-*
6 *vision of this title, applicable with respect to an international*
7 *organization to the same extent that it is applicable with re-*
8 *spect to a foreign mission if the Secretary determines, after*
9 *consultation with the international organization, that such*
10 *application is necessary to carry out the policy set forth in*
11 *section 201(b) and to further the objectives set forth in sec-*
12 *tion 204(b).*

13 "(b) For purposes of this section, 'international organi-
14 zation' means—

15 "(1) a public international organization designated
16 as such pursuant to the International Organizations
17 Immunities Act (22 U.S.C. 288-288f-2) or other law
18 authorizing such status; and

19 "(2) an official mission (other than a United
20 States mission) to such a public international organiza-
21 tion,

22 including any real property of such an organization or mis-
23 sion and including the personnel of such an organization or
24 mission.

1 "PRIVILEGES AND IMMUNITIES

2 "~~SEC. 210.~~ *SEC. 209.* Nothing in this title shall be con-
3 strued to limit the authority of the United States to carry out
4 its international obligations, or to supersede or limit immuni-
5 ties otherwise available by law. No act or omission by any
6 foreign mission, public international organization, or official
7 mission to such an organization, in compliance with this title,
8 shall be deemed to be an implied waiver of any immunity
9 otherwise provided for by law.

10 "ENFORCEMENT

11 "~~SEC. 211.~~ *SEC. 210.* It shall be unlawful for any
12 person to make available any benefits to a foreign mission
13 contrary to this title. This section shall be enforceable in any
14 appropriate district court of the United States by injunctive
15 or other equitable relief upon application by the Attorney
16 General.

17 "SEVERABILITY

18 "~~SEC. 212.~~ *SEC. 211.* If any provision of this title or
19 the application thereof to any person or circumstance is held
20 invalid, the remainder of this title and the application of such
21 provision to any other person or circumstance shall not be
22 affected thereby."

23 (c) Section 13 of the State Department Basic Authori-
24 ties Act of 1956 (22 U.S.C. 2684) is amended in the first
25 sentence by striking out "and" following the semicolon at the

1 end of clause (3), and by inserting immediately before the
2 period at the end thereof “; and (5) services and supplies to
3 carry out title II of this Act”.

4 (d)(1) Subparagraph (A) of section 2(1) of the Diplomatic
5 Relations Act (22 U.S.C. 254a(1)(A)) is amended to read as
6 follows:

7 “(A) the head of a mission and those members of
8 a mission who are members of the diplomatic staff or
9 who, pursuant to law, are granted equivalent privileges
10 and immunities,”.

11 (2) Section 3(b) of such Act (22 U.S.C. 254b) is amend-
12 ed to read as follows:

13 “(b) With respect to a nonparty to the Vienna Conven-
14 tion, the mission, the members of the mission, their families,
15 and diplomatic couriers shall enjoy the privileges and immu-
16 nities specified in the Vienna Convention.”.

17 (3) Section 4 of such Act (22 U.S.C. 254c) is amend-
18 ed—

19 (A) by inserting “the mission, the” immediately
20 after “immunities for”; and

21 (B) by striking out “of any sending state”.

22 (4) Section 1364 of title 28, United States Code, is
23 amended by striking out “as defined in the Vienna Conven-
24 tion on Diplomatic Relations” and inserting in lieu thereof

1 “within the meaning of section 2(3) of the Diplomatic Rela-
2 tions Act (22 U.S.C. 254a(3))”.

3 (c) The Act of June 20, 1938 (Public Law 684, Seven-
4 ty-Fifth Congress; 52 Stat. 797) is amended—

5 (1) in section 6 by striking out “(a)”, and by strik-
6 ing out subsections (b), (c), (d), and (e); and

7 (2) in section 16 by adding at the end thereof the
8 following new sentence: “In addition, the provisions of
9 this Act shall not apply to any real property to which
10 section 206(a) of the State Department Basic Authori-
11 ties Act of 1956 (relating to foreign missions) is appli-
12 cable.”.

13 TITLE II—INTERNATIONAL COMMUNICATION

14 AGENCY

15 SHORT TITLE

16 SEC. 201. This title may be cited as the “International
17 Communication Agency Authorization Act, Fiscal Years
18 1982 and 1983”.

19 AUTHORIZATIONS OF APPROPRIATIONS

20 SEC. 202. There are authorized to be appropriated for
21 the International Communication Agency \$561,402,000 for
22 the fiscal year 1982 and \$656,505,000 for the fiscal year
23 1983 to carry out international communication, educational,
24 cultural, and exchange programs under the United States In-
25 formation and Educational Exchange Act of 1948, the

1 Mutual Educational and Cultural Exchange Act of 1961, and
2 Reorganization Plan Numbered 2 of 1977, and other pur-
3 poses authorized by law.

4 CHANGES IN ADMINISTRATIVE AUTHORITIES

5 SEC. 203. (a)(1) Title III of the United States Informa-
6 tion and Educational Exchange Act of 1948 (22 U.S.C.
7 1451-1453) is amended—

8 (A) in section 301 by striking out “citizen of the
9 United States” and inserting in lieu thereof “person”;
10 and

11 (B) in sections 302 and 303 by striking out “citi-
12 zen of the United States” and inserting in lieu thereof
13 “person in the employ or service of the Government of
14 the United States”.

15 (2) Such title is further amended—

16 (A) in section 301—

17 (i) by striking out “Secretary” the first place
18 it appears and inserting in lieu thereof “Director
19 of the International Communication Agency”, and

20 (ii) by striking out “Secretary” the second
21 place it appears and inserting in lieu thereof “Di-
22 rector”; and

23 (B) in section 303 by striking out “Secretary”
24 and inserting in lieu thereof “Director of the Interna-
25 tional Communication Agency”.

1 (3) Section 302 of such Act is amended—

2 (A) in the second sentence by striking out “sec-
3 tion 901(3) of the Foreign Service Act of 1946 (60
4 Stat. 999)” and inserting in lieu thereof “section 905
5 of the Foreign Service Act of 1980”; and

6 (B) in the last sentence by striking out “section
7 1765 of the Revised Statutes” and inserting in lieu
8 thereof “section 5536 of title 5, United States Code”.

9 (b) Section 802 of such Act (22 U.S.C. 1472) is amend-
10 ed—

11 (1) by inserting “(a)” immediately after “Sec.
12 802.”; and

13 (2) by adding at the end thereof the following new
14 subsection:

15 “(b)(1) Any contract authorized by subsection (a) and
16 described in paragraph (3) of this subsection which is funded
17 on the basis of annual appropriations may nevertheless be
18 made for periods not in excess of five years when—

19 “(A) appropriations are available and adequate for
20 payment for the first fiscal year and for all potential
21 cancellation costs; and

22 “(B) the Director of the International Communi-
23 cation Agency determines that—

1 “(i) the need of the Government for the
2 property or service being acquired over the period
3 of the contract is reasonably firm and continuing;

4 “(ii) such a contract will serve the best inter-
5 ests of the United States by encouraging effective
6 competition or promoting economies in perform-
7 ance and operation; and

8 “(iii) such method of contracting will not
9 inhibit small business participation.

10 “(2) In the event that funds are not made available for
11 the continuation of such a contract into a subsequent fiscal
12 year, the contract shall be canceled and any cancellation
13 costs incurred shall be paid from appropriations originally
14 available for the performance of the contract, appropriations
15 currently available for the acquisition of similar property or
16 services and not otherwise obligated, or appropriations made
17 for such cancellation payments.

18 “(3) This subsection applies to contracts for the procure-
19 ment of property or services, or both, for the operation, main-
20 tenance, and support of programs, facilities, and installations
21 for or related to telecommunication activities, newswire serv-
22 ices, and the distribution of books and other publications in
23 foreign countries.”.

1 (c) Paragraph (16) of section 804 of such Act (22
2 U.S.C. 1474(16)) is amended by inserting "and security"
3 immediately after "right-hand drive".

4 (d) Title VIII of such Act (22 U.S.C. 1471-1475b) is
5 amended by adding at the end thereof the following new
6 section:

7 "ACTING ASSOCIATE DIRECTORS

8 "SEC. 808. If an Associate Director of the International
9 Communication Agency dies, resigns, or is sick or absent, the
10 Associate Director's principal assistant shall perform the
11 duties of the office until a successor is appointed or the
12 absence or sickness stops."

13 (e) Title VIII of such Act is further amended by adding
14 at the end thereof the following new section:

15 "COMPENSATION FOR DISABILITY OR DEATH

16 "SEC. 809. A cultural exchange, international fair or
17 exposition, or other exhibit or demonstration of United States
18 economic accomplishments and cultural attainments, pro-
19 vided for under this Act or the Mutual Educational and Cul-
20 tural Exchange Act of 1961 shall not be considered a 'public
21 work' as that term is defined in the first section of the Act of
22 August 16, 1941 (42 U.S.C. 1651; commonly known as the
23 Defense Base Act)."

1 (f) Section 1011(h) of such Act (22 U.S.C. 1442(h)) is
2 amended by adding at the end thereof the following new
3 paragraph:

4 “(4) Section 701(a) of this Act shall not apply with
5 respect to any amounts appropriated under this section for
6 the purpose of liquidating the notes (and any accrued interest
7 thereon) which were assumed in the operation of the informa-
8 tional media guaranty program under this section and which
9 were outstanding on the date of enactment of this
10 paragraph.”.

11 DISTRIBUTION WITHIN THE UNITED STATES OF THE FILM
12 ENTITLED “REFLECTIONS: SAMUEL ELIOTT MORI-
13 SON”

14 SEC. 204.(a) Notwithstanding the second sentence of
15 section 501 of the United States Information and Educa-
16 tional Exchange Act of 1948 (22 U.S.C. 1461)—

17 (1) the Director of the International Communica-
18 tion Agency shall make available to the Administrator
19 of General Services a master copy of the film entitled
20 “Reflections: Samuel Elliott Morison”; and

21 (2) the Administrator shall reimburse the Director
22 for any expenses of the Agency in making that master
23 copy available, shall secure any licenses or other rights
24 required for distribution of that film within the United
25 States, shall deposit that film in the National Archives

1 of the United States, and shall make copies of that film
2 available for purchase and public viewing within the
3 United States.

4 (b) Any reimbursement to the Director pursuant to this
5 section shall be credited to the applicable appropriation of the
6 International Communication Agency.

7 TITLE III—BOARD FOR INTERNATIONAL
8 BROADCASTING

9 SHORT TITLE

10 SEC. 301. This title may be cited as the "Board for
11 International Broadcasting Authorization Act, Fiscal Years
12 1982 and 1983".

13 AUTHORIZATIONS OF APPROPRIATIONS

14 SEC. 302. Subparagraph (A) of section 8(a)(1) of the
15 Board for International Broadcasting Act of 1973 (22 U.S.C.
16 2877(a)(1)(A)) is amended to read as follows:

17 "(A) \$100,300,000 for the fiscal year 1981,
18 \$98,317,000 for the fiscal year 1982, and
19 \$115,031,000 for the fiscal year 1983; and".

20 TITLE IV—MISCELLANEOUS PROVISIONS

21 INTER-AMERICAN FOUNDATION

22 SEC. 401. (a) The first sentence of section 401(s)(2) of
23 the Foreign Assistance Act of 1969 (22 U.S.C. 290f(s)(2)) is
24 amended by striking out "\$25,000,000 for each of the fiscal
25 years 1979 and 1980" and inserting in lieu thereof

1 "\$12,000,000 for the fiscal year 1982 and \$20,000,000 for
2 the fiscal year 1983".

3 (b) Section 401(h) of that Act (22 U.S.C. 290f(h)) is
4 amended by striking out "actual and necessary expenses not
5 in excess of \$50 per day, and for transportation expenses"
6 and inserting in lieu thereof "travel expenses, including per
7 diem in lieu of subsistence, in accordance with section 5703
8 of title 5, United States Code".

Union Calendar No. 110

97TH CONGRESS
1ST SESSION

H. R. 3518

[Report No. 97-102, Parts I and II]

A BILL

To authorize appropriations for fiscal years 1982 and 1983 for the Department of State, the International Communication Agency, and the Board for International Broadcasting, and for other purposes.

JUNE 19, 1981

Reported from the Committee on the District of Columbia with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed